



Docket No. 2024728-7034432001  
(03-226)

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

) Group Art Unit: 3736

Robert Rioux, et al.

} Confirmation No. 3377

**Serial No.: 10/766,608**

**Examiner:** Anuradha, Roy

**Filed: January 27, 2004**

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## **For: SYSTEMS AND METHODS FOR TREATING BREAST TISSUE**

)

**AMENDMENT AND RESPONSE TO SPECIES ELECTION REQUIREMENT  
TRANSMITTAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith, in response to the Office Action mailed November 25, 2005, is an Amendment and Response to Species Election Requirement (8 pages) for the above-identified application.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated:

12/12/05

By:

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**CERTIFICATE OF MAILING TRANSMISSION**

(37 C.F.R. §1.8)

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Carolyn Tabias

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Robert Rioux, et al. )      Group Art Unit: 3736  
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For: SYSTEMS AND METHODS FOR )  
TREATING BREAST TISSUE )

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**AMENDMENT AND RESPONSE TO SPECIES ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the multi-tiered species election requirement set forth in the Office Action mailed November 25, 2005, and further discussed by the undersigned and the Examiner in a telephone conference on December 9, 2005, Applicants hereby elect the species of a "slidable electrode" as the power delivery source (claims 4 and 29), and the species wherein the imaging device is an endoscope (claims 11 and 25). In addition to elected claims 4, 11, 25 and 29, Applicants respectfully submit that at least claims and 1-2, 7-9, 13-16, 19-23, 26-28 and 30 are generic to the elected species. The remaining claims are withdrawn from prosecution for the time being, but remain pending in the application, in accordance with the listing of the claims and their current status identifiers that begins on page 2. Remarks begin on page 8.